




**U.S. Customs and
Border Protection**

DEC 11 2018

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

Director, Field Operations Academy
Office of Training and Development

FROM: Todd A. Hoffman 
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: Processing Transgender Applicants for Admission

While the *Personal Search Handbook* is being updated, the Office of Field Operations (OFO) is taking this opportunity to remind employees of policy and procedures when processing Transgender or "Transitioning" applicants according to the National Standards on Transport, Escort, Detention, and Search (TEDS).

CBP Officers have a tremendous responsibility in protecting our nation's borders and in enforcing the existing laws of the United States. This muster serves to reiterate our responsibilities in regards to the appropriate handling of arriving Transgender persons into the United States.

CBP officers should be familiar with TEDS, in particular Section 4.2; 5.1 At-Risk Detainee Determination Process/At-Risk Populations, Section 4.3 Gender of Searching Officer/Agent, and Section 4.4 Gender Segregation. The revised *Personal Search Handbook*, when available, Section entitled "Gender Nonconforming, Intersex, and Transgender Individuals" has been updated to be consistent with TEDS.

Generally, OFO will rely upon the gender identifier listed on the travel document and CBP officers conducting personal search, other than immediate patdown, must be of the gender the individual identifies, which may differ from their appearance, or anatomy. If the traveler states that they identify with a gender that is different than what is listed on the travel document, the supervisor will be notified. CBP officers of the same gender declared by the traveler will become the primary searching and witnessing officers. The traveler's self-identification of gender and results of the patdown search will be recorded in the CBP secondary processing system.

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Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact [REDACTED] b6b7c
Director, Enforcement Programs Division (EPD) at [REDACTED] b6b7c

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Date: Week of December 10, 2018

Topic: Processing Transgender Applicants for Admission

Headquarters POCs: Enforcement Programs Division (EPD),
(b) (7)(E)

Office: Admissibility and Passenger Programs (APP)

Guidelines:

- During the inspection process, all travelers will be treated with dignity, respect, and professionalism, regardless of race, religion, color, country of origin, sexual orientation, or sexual designation.
- The revised *Personal Search Handbook*, when available, Section entitled “Gender Nonconforming, Intersex, and Transgender Individuals” has been updated to be consistent with TEDS and will state, in part:
 - OFO will generally rely upon the gender identifier listed on a travel document in determining the gender of a traveler. Officers conducting a personal search, other than an immediate patdown, must be of the gender the individual identifies as, which may differ from their appearance, or anatomy
 - Prior to commencing the search, the primary searching CBP officer will communicate with the traveler to identify any concerns.
 - If the traveler states that they identify with a gender that is different than what is listed on the travel document, the supervisor will be notified, and a CBPOs who are the same gender that the traveler identifies will become the primary (searching) and witnessing officers
 - The traveler’s self-identification of gender and results of the pat down search will be recorded in the CBP secondary processing system
- CBP officers should adhere to Section 4.3 as part of the National Standards on Transport, Escort, Detention, and Search (TEDS) policy, which states in part:
 - Gender of Searching Officer: Whenever operationally feasible, CBP officers conducting a search or that are present at a medical examination must be of the same gender, gender identity, or declared gender as the detainee being searched.
 - Cross-gender searches or cross-gender visual body cavity searches must not be conducted except in exigent circumstances including consideration of officer safety.
- CBP officers should adhere to Section 4.2 and 5.1 At-Risk Detainee Determination Process Procedures and At-Risk Populations as part of the TEDS policy, which states in part:
 - Before placing any detainees together in a hold room or holding facility, CBP officers shall assess information [to determine] if the detainee may be considered an at-risk detainee, including whether the detainee... has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
 - Individuals in the custody of CBP who may require additional care or oversight, who may include... those at higher risk of sexual abuse (including but not limited to gender non conforming, intersex, and transgender);....

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- TEDS policy contained in Section 4.4 Gender Segregation, which states in part:
 - Particular care should be afforded to at-risk populations, including transgender and intersex detainees.
- Inappropriate comments, remarks, gestures, innuendos, etc., including those of a sexual nature, whether directed at co-workers or travelers, are unacceptable and will not be tolerated in the workplace.
- Reported incidents and allegations will be investigated and appropriate corrective actions taken, if warranted.

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